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Albuquerque Public Schools

Technologies

6400 Uptown NE East 2nd Floor Albuquerque, NM 87110 • 505.830-8040
<http://www.aps.edu> • FAX 505.830-8081

Our Vision

Great learning, through access and use, for all learners to effective learning technologies

Elizabeth Everitt Ph.D.
 Chief Education Officer

Joseph Vigil
 Chief Education Officer

Michael Vigil
 Chief Business Officer

Tom Garrity
 Chief Advancement Officer

Thomas Ryan
 Executive Director of
 Technology

Dale Alexander
 Director of
 Information Technology

Ken Tuley
 Director of Learning
 Technologies

Maureen Davidson
 Technology Master Planner

Letter of Appeal CCDocket Nos. 96 -45 and 97 - 21
 Federal Communications Commission
 Office of the Secretary
 445 12th Street, SW
 Washington, DC 20554

July 15, 2003

Per the instructions on your web site found at
www.sl.universalservice.org/reference/appealsprocedure.asp, Albuquerque Public Schools is
 filing this letter to appeal denials of requests for deadline extensions. All information is
 provided below.

1. Contact information

Name : Maureen Davidson
 Address: 6400 Uptown Blvd, NE -Suite 250 E
 Albuquerque, NM 87110
 Phone : 505-830-8051
 Fax: 505-830-8081
 E-mail: Davidson_m@aps.edu

2. Title of documents being appealed: Administrator's Decision on implementation Extension Request

Funding Year: 2001
 Date of decision letter: 12/4/2002
 Applicant Name: Albuquerque School District
 Billed Entity Number:
 Form 471 Numbers: 242088, 244611

3. FRN's Subject to Appeal

591403
 579023
 580066
 579771

4. Explanation of appeal

For each of the FRN's listed above, the implementation extension request (Attachment 1) was denied due to inability to document that the delay was outside of the service provider's control. That denial, dated December 4, 20002, is attached (Attachment2). Specifically, each of the denials states "In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances".

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Albuquerque Public Schools believes that we did, in fact, document such circumstances in our original request. (Attachment 1) Specifically, each of these four delays were caused by construction contractors that delayed the cabling vendor's access to the facility. These delays are documented in the original extension requests, which are included as an attachment to this appeal. **Albuquerque Public Schools asks that the FCC review the circumstances and grant the extension request.** The vendor in question has completed this work for APS in good faith and the approval of the extension request would allow the vendor to receive the 90% payment billed to the SLD.

On February 4, 2003, Albuquerque Public Schools filed an appeal of the denial of the extension request with the SLD. (Attachment 3) This appeal was not considered by the SLD because "Our records show that your appeal was received more than 60 days after the date your Deadline Extension Denial Letter was issued (see dates above.) The Federal Communications Commission (FCC) rules require applicants to submit appeals so USAC/SLD receives them within 60 days of the date that the relevant Funding Commitment Decision Letter was issued." (Attachment 4)

The Albuquerque Public Schools believes that the SLD erred in it's non-consideration of this appeal because it did not consider the extenuating circumstances of the intervening Christmas holidays, during which both the school district and the SLD were closed for business. At the least, taking the National holidays of Christmas and New Year's days into account, the appeal was filed within the 60-day window. **Again, Albuquerque Public Schools asks the FCC to consider this appeal and grant the extension request.**

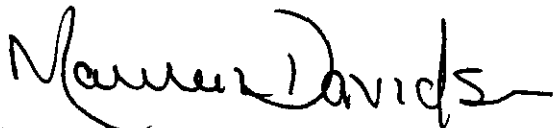
This appeal is, therefore, being filed with the FCC "after the SLD has issues its decision on an appeal request per instructions on the SLD web site at www.sl.universalservice.org/reference/appealsprocedure.asp The SLD denied Albuquerque Public Schools' appeal of the SLD denial of the extension request was denied by the SLD on June 13, 2003. The Albuquerque Public Schools is, therefore, appealing to the FCC per instructions in that letter of denial (Attachment 4).

5. Public Interest

The vendor in question, Southwest Communications, Inc. has been providing network cabling to the Albuquerque Public Schools for over 5 years. They are a local vendor, employing New Mexico residents, and as such, provide a significant economic benefit to the city of Albuquerque and the State of New Mexico. The denial of their funding requests, which total over \$1 million, will have a significant and negative economic impact on our community and state. **We, therefore, believe it is in the public interest for the FCC to grant the extension requests originally denied by the SLD and allow the invoices from Southwest Communications, represented by the FRN's identified above, to be paid.**

Please contact me for further information you may require as you review this appeal.

Thank you for your consideration.



Maureen Davidson
Director, Technology Master Plan
Albuquerque Public Schools



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Albuquerque Public Schools

Technologies

220 Monroe SE

<http://www.aps.edu>

Albuquerque, NM 87108

505.256.4499

FAX 505.256.4432

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Great learning, through access and use, for all learners to effective learning technologies

ATTACHMENT 1

Invoice Deadline Extension Request
Schools and Libraries Division
Box 125 — Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

October 24, 2002

- Contact Person's Name: Maureen Davidson
- Contact Information:
 - e-mail: davidson_m@aps.edu
 - voice: 505-256-4248
 - fax: 505-256-4432

Request 1

- Form 471 application number: 242088
- FRN: 579023
- Service Provider Name: NetCom Management Group
- SPIN: 143006340
- Reason for extension request: Per item # 3 found at <http://www.sl.universalservice.org/reference/ServiceDeliveryDeadlines.asp> The applicant requested an extension because the service provider is unable to complete delivery and installation for reasons beyond the service provider's control; specifically The Main Distribution Room was built too small and a wall has to be taken down and rebuilt. We can't finish our work in this room until the construction is finished.

Request 2

- Form 471 application number: 244611
- FRN: 591043
- Service Provider Name: NetCom Management Group
- SPIN: 143006340
- Reason for extension request: Per item # 3 found at <http://www.sl.universalservice.org/reference/ServiceDeliveryDeadlines.asp> The applicant requested an extension because the service provider is unable to complete delivery and installation for reasons beyond the service provider's control; Due to changes in M&O specifications Netcom is having to install 3 poles at the portables to meet standards. The principal doesn't want the poles installed with kids around. A walkthrough needs to be setup with M&O to locate poles and then poles installed.

Request 3

- From 471 application number: 242088
- FRN: 580066
- Service Provider Name: NetCom Management Group
- SPIN: 143006340
- Reason for extension request: Per item # 3 found at <http://www.sl.universalservice.org/reference/ServiceDeliveryDeadlines.asp> The applicant requested an extension because the service provider is unable to complete delivery and installation for reasons beyond the service provider's control; specifically, New construction is going on in various parts of school and Netcom is having to work around the other contractors causing delays. Construction will not be completed until December.

Request 4

- From 471 application number: 242088
- FRN: 579771
- Service Provider Name: NetCom Management Group
- SPIN: 143006340
- Reason for extension request: Per item # 3 found at <http://www.sl.universalservice.org/reference/ServiceDeliveryDeadlines.asp> The applicant requested an extension because the service provider is unable to complete delivery and installation for reasons beyond the service provider's control; specifically, Electricians are behind due to staffing requirements on other jobs.



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Implementation Extension Request

ATTACHMENT 2

12/04/02

Maureen Davidson
Albuquerque Public Schools
220 Monroe SE
Albuquerque, NM 87108

471 Application Number: 244611
Funding Request Number(s): 591043
Your Correspondence Dated: 10/24/02

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your implementation extension request. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your request included more than one 471 Application, please note that for each application you will receive a separate determination letter.

FRN: 591043

Decision on extension request: **Denied in full**

Explanation: Request for extension was received after the original non-recurring services deadline of 9/30/02.

In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances.

FCC REVIEW OF THE ADMINISTRATOR'S DECISION

If you believe there is a basis for further examination of your request, you may file an appeal with the Federal Communications Commission (FCC): FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site <www.sl.universalservice.org> for more information. You should refer to CC Docket Nos. 96-45 and 97-21 on the first page of your appeal to the FCC. Your appeal must be made in writing and RECEIVED BY THE FCC at the FCC address above WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference area of the SLD web site.

We thank you for your continued support, patience, and cooperation during the request review process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Viola Baboola, Verizon Wireless fka Cellco Partnership



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Implementation Extension Request

12/04/02

Maureen Davidson
Albuquerque Public Schools
220 Monroe SE
Albuquerque, NM 87108

471 Application Number: 242088
Funding Request Number(s): 579023, 580066, 579771
Your Correspondence Dated: 10/24/02

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your implementation extension request. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your request included more than one 471 Application, please note that for each application you will receive a separate determination letter.

FRN: 579023, 580066, 579771

Decision on extension request: **Denied in full**

Explanation: Request for extension was received after the original non-recurring services deadline of 9/30/02.

In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances.

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We thank you for your continued support, patience, and cooperation during the request review process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Chris Salas, Northern Line Layers Inc. dba NetCom Management Group



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ATTACHMENT 3

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Dale Alexander
Director of
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Ken Tuley
Director of Learning
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Maureen Davidson
Technology Master Planner

Letter of Appeal
Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Per the instructions on your web site, Albuquerque Public Schools is filing this letter to appeal denials of requests for deadline extensions. All information is provided below.

1. Contact information
Name: Maureen Davidson
Address: 220 Monroe, SE
Albuquerque, NM 87108
Phone: 505-256-4248
Fax: 505-256-4432
E-mail: Davidson_m@aps.edu
2. Title of documents being appealed: Administrator's Decision on Implementation Extension Request
Funding Year: 2001
Date of decision letter: 12/4/2002
3. FRN's Subject to Appeal
591043
579023
580066
579771
4. Explanation of appeal
For each of the FRN's listed above, the implementation extension request was denied due to inability to document that the delay was outside of the service provider's control. Specifically, each of the denials states "In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances".

Albuquerque Public Schools believes that we did, in fact, document such circumstances in our original request. Specifically, each of these four delays were caused by construction contractors that delayed the cabling vendor's access to the facility. These delays are documented in the original extension requests, which are included as an attachment to this appeal. We ask that SLD review the circumstances and grant the extension request. The vendor in question has completed this work for APS in good faith and the approval of the extension request would allow the vendor to receive the 90% payment billed to the SLD.

Please contact me for further information you may require as you review this appeal.

Thank you for your consideration.

Maureen Davidson
Director, Technology Master Plan
Albuquerque Public Schools

Attachment: Original Extension Request



Universal Service Administrative Company
Schools & Libraries Division

June 13, 2003

Administrator's Decision on Appeal

ATTACHMENT 4

Maureen Davidson
Albuquerque Public Schools
220 Monroe, SE
Albuquerque, NM 87108

Re: Application Number: 242088
 Funding Year: 2001-2002
 Date of Issuance of Deadline
 Extension Denial Letter: 12/04/2002
 Date Appeal Received: 02/04/2003

Our records show that your appeal was received more than 60 days after the date your Deadline Extension Denial Letter was issued (see dates above.) The Federal Communications Commission (FCC) rules require applicants to submit appeals so USAC/SLD receives them within 60 days of the date that the relevant Funding Commitment Decision Letter was issued. (See "Appeals Procedure" at <http://www.sl.universalservice.org/reference/AppealsProcedureYR4.asp>) The FCC rules do not permit the SLD to consider your appeal. If you wish to continue this process, you may submit a new appeal via the United States Postal Service, stating the impediment to your filing your appeal within the original time, to the FCC at the following address:

Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be RECEIVED BY THE FCC WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options because of continued substantial delays in mail delivery to the

FCC. If you are submitting your appeal via United States Postal Service, send to: FCC,
Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division
Universal Services Administrative Company

Narciso Rodriguez
1 Chelmsford St
Chelmsford, MA 01826

August 5, 2003

Secretary Marlene Dortch
445 12th Street, S.W.
Washington, DC 20554

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Federal Communications Commission
Office of the Secretary

Re Emergency Stay of FCC Rules on Faxing Needed

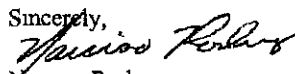
Dear Secretary Dortch

RE: CG Docket No 02-278

As member of the NATIONAL ASSOCIATION OF REALTORS(NAR), I am writing to convey my wholehearted support for NAR's Request for Emergency Stay of Facsimile Advertisement Rules in the above referenced docket matter. The FCC's decision to remove the established business relationship exception from the unsolicited fax advertisements rules severely interferes with my day-to-day business as a real estate professional. Furthermore, the rules hinder the communications that my national, state and local REALTOR associations routinely send via facsimile, including information on conventions or continuing education classes, which is a benefit that I expect as a dues paying member. NAR in its Request for Emergency Stay of Facsimile Advertisement Rules has outlined the detrimental impact that these rules will have on its over 900,000 members and on the operations of over 3.5 million professionals in the real estate industry. I echo NAR's position and emphasize that it will be extremely difficult to obtain the required written consent to send faxes to my customers, vendors and real estate colleagues in the now less than 30 days that the FCC is allowing for implementation. It will also be difficult for my local board, state association, and national association to seek and obtain written consent from their respective membership prior to faxing important information about upcoming conferences, promotions and other events. As a REALTOR member, I rely on this timely and effective means of communication. It is unreasonable to think that an association can seek and obtain consent from almost 1 million members by August 25, 2003. Today, there are over 2 million U.S. homes in the real estate sales transaction pipeline. Communicating via facsimiles is instrumental to ensuring a timely and successful transaction. An effective date of August 25, 2003 can potentially delay the majority of these transactions. To secure the appropriate written consent will significantly impact the homebuyers and home sellers ability to move promptly in highly competitive housing markets. It will take time to adapt to this new requirement, businesses will have to amend current practices to gain this new consent from consumers and vendors.

It is in this regard that I urge the FCC to stay the effective date of the unanticipated and unprecedented fax rules for one-year. One year will allow the national, state and local associations to incorporate the required written consent form into the annual dues billing cycle. This is the most effective method for me, V and the 900,000 other members to provide express written consent to NAR and my state and local REALTOR associations. In addition, the stay is also essential in order to institute the required compliance procedures for fax communications with my existing and future client and business relationships to ensure minimal disruption in the real estate transaction.

Thank you for your attention and consideration in this matter.

Sincerely,

Narciso Rodriguez

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